

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2393

Introduced by ~~Committee on Utilities and Commerce (Levine (Chair), Baca, Blakeslee, Cohn, De La Torre, Jerome Horton, Montanez, Ridley-Thomas, and Wyland)~~ Assembly Member *Levine*

February 23, 2006

An act to add ~~Section 2872.5~~ *Sections 776, 2872.5, and 2892.1* to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 2393, as amended, ~~Committee on Utilities and Commerce~~ *Levine*. Telecommunications: ~~automatic dialing-announcing devices; local emergencies~~ *emergency service*.

(1) Existing law authorizes the Public Utilities Commission to supervise and regulate every public utility, including telephone corporations, and to do all things necessary and convenient in the exercise of its power and jurisdiction. ~~Existing~~ *The existing Public Utilities Act requires the commission to prescribe rules for the performance of any service or the furnishing of any commodity of the character furnished or supplied by any public utility and requires the public utility to furnish the commodity or render the service within the time and upon the conditions provided in the rules of the commission.*

This bill would require the commission, in a rulemaking or other appropriate proceeding, to develop reliability standards for backup power systems installed on customer property by a telephone corporation. The bill would require the commission, by January 1, 2008, to report to the Legislature on the results of the proceeding.

Under existing law, a violation of an order or direction of the commission is a crime.

Because the provisions of this bill are part of the act and require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by creating a new crime.

(2) Existing law authorizes the commission to control and regulate the use of automatic dialing-announcing devices, which are automatic equipment that incorporates a storage capability of telephone numbers to be called or a random or sequential number generator capable of producing numbers to be called and that, working alone or in conjunction with other equipment, can disseminate a prerecorded message to the telephone number being called. Existing law exempts from that commission regulation law enforcement agencies, fire protection agencies, public health agencies, public environmental health agencies, city or county emergency services planning agencies, or any private for-profit agency operating under contract with, and at the direction of, one or more of these agencies, placing calls through automatic dialing-announcing devices ~~are used~~ to provide public service information relating to public safety, ~~provide~~ information concerning police or fire emergencies, or ~~provide~~ warnings of impending or threatened emergencies.

This bill would require the commission, in consultation with the Office of Emergency Services *and the Department of General Services*, to open an investigation ~~and rulemaking proceeding~~ to determine whether standardized notification systems and protocol should be utilized by the above-described entities; to facilitate notification of affected members of the public of local emergencies. The bill would require the commission to report to the Legislature by January 1, 2008, on the results of the proceeding, including recommendations for funding notification systems and any statutory modifications needed to facilitate notification of affected members of the public of local emergencies.

(3) Existing provisions of the Warren-911-Emergency Assistance Act establishes the number “911” as the primary emergency telephone number for use in the state.

This bill would require the commission to open a rulemaking or other appropriate proceeding to identify the need for telecommunications service customers to have a backup source of electricity to enable the customer to contact a public safety answering

point operator during an electrical outage, to determine performance criteria for backup systems, and to determine whether certain recommendations for backup systems have been implemented by telecommunications service providers operating in California. The bill would require the commission, by January 1, 2008, to report to the Legislature on the results of the proceeding.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 776 is added to the Public Utilities
2 Code, to read:

3 776. (a) The commission shall develop, in a rulemaking or
4 other appropriate proceeding, reliability standards for all
5 backup power systems installed on customer property by a
6 telephone corporation, that do all the following:

7 (1) Establish minimum operating life.

8 (2) Establish minimum periods of time during which a
9 telephone system with a charged backup power system will
10 provide the customer with sufficient electricity for emergency
11 usage.

12 (3) Establish means to warn a customer when the backup
13 power system's charge is low or when the system can no longer
14 hold a charge.

15 (b) The commission shall, by January 1, 2008, report to the
16 Legislature on the results of the proceeding.

17 ~~SECTION 1.~~

18 SEC. 2. Section 2872.5 is added to the Public Utilities Code,
19 to read:

20 2872.5. (a) The commission, in consultation with the Office
21 of Emergency Services and the Department of General Services,
22 shall open an investigation—~~and rulemaking~~ proceeding to
23 determine whether standardized notification systems and

1 protocol should be utilized by entities that are authorized to use
2 automatic dialing-announcing devices pursuant to subdivision (e)
3 of Section 2872, to facilitate notification of affected members of
4 the public of local emergencies.

5 (b) The commission shall, by January 1, 2008, report to the
6 Legislature on the results of the proceeding, including
7 recommendations for funding notification systems and any
8 statutory modifications needed to facilitate notification of
9 affected members of the public of local emergencies.

10 SEC. 3. Section 2892.1 is added to the Public Utilities Code,
11 to read:

12 2892.1. (a) For purposes of this section,
13 “telecommunications service” means voice communication
14 provided by a telephone corporation as defined in Section 234,
15 voice communication provided by a provider of satellite
16 telephone services, voice communication provided by a provider
17 of mobile telephony service, as defined in Section 2890.2, and
18 voice communication provided by a commercially available
19 provider of voice communication services utilizing voice over
20 Internet Protocol or any successor protocol.

21 (b) The commission shall open a rulemaking or other
22 appropriate proceeding to identify the need for
23 telecommunications service customers to have a backup source
24 of electricity to enable the customer to contact a public safety
25 answering point operator during an electrical outage, to
26 determine performance criteria for backup systems, and to
27 determine whether the best practices recommended by the
28 Network Reliability and Interoperability Council in December
29 2005, for backup systems have been implemented by
30 telecommunications service providers operating in California.

31 (c) The commission shall, by January 1, 2008, report to the
32 Legislature on the results of the proceeding.

33 SEC. 4. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the
38 penalty for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition of a

- 1 *crime within the meaning of Section 6 of Article XIII B of the*
- 2 *California Constitution.*

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